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OFFICE OF PETITIONS

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| In re Application of | : | DECISION ON APPLICATION |
| Stock et al. | : | FOR PATENT TERM |
| Patent Number: 7,794,965 | : | ADJUSTMENT RECONSIDERATION |
| Issue Date: 09/14/2010 | : | and |
| Application No. 10/579369 | : | NOTICE OF INTENT TO ISSUE |
| Filing or 371(c) Date: 05/15/2006 | : | CERTIFICATE OF CORRECTION |
| Attorney Docket Number: | : | |
| 2008725-0051 | : | |

This is a decision on the petition filed on filed November 12, 2010 under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by zero (0) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by zero (0) days is **GRANTED**.

A review of Office records confirms that the application was abandoned on September 14, 2004; that a petition to revive the application was filed on May 15, 2006, and that a Decision granting the petition to revive the application was mailed on August 14, 2006. Pursuant to 37 CFR 1.704(c)(3), the period of delay begins on the date of abandonment, September 14, 2004, and ends on the date of mailing of the decision reviving the application, August 14, 2006, or 700 days.

A review of Office records also reveals that the Office also errantly neglected to assess a reduction in accordance with 37 CFR 1.704(c)(8), in connection with the filing of a Information Disclosure Statement ("IDS"), on April 6, 2010, after filing a Request for Continued Examination ("RCE"), on April 5, 2010. Pursuant to 37 CFR 1.704(c)(8), the patent term is reduced by a period of one (1) day.

A review of Office records also reveals that the Office also errantly neglected to assess a reduction in accordance with 37 CFR 1.704(c)(10), in connection with the filing of a Transmittal containing copies of all daggered references, after the mailing of the Notice of Allowance wherein the Examiner indicated that all of the references previously filed and marked with a

dagger had already been considered. Pursuant to 37 CFR 1.704(c)(10), the reduction of 110 days commenced on May 28, 2010, the date of the filing of the Transmittal, and ended September 14, 2010, the date the patent issued.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **zero (0) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,794,965 B2

DATED : September 14, 2010

INVENTOR(S) : Stock et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 497 days.

Delete the phrase "by 497 days" and insert – by 0 days--